

PATENT  
Serial No. 10/528,624  
Amendment in Reply to Office Action mailed on December 30, 2005

REMARKS

This Amendment is being filed in response to the Office Action dated December 30, 2005, which has been reviewed and carefully considered.

By means of the present amendment, claims 15-16 have been canceled without prejudice. Further, claims 1-14 and 17 have been amended, and new claims 18-22 have been added. Claims 1-14 and 17-22 are now pending in this application, with claims 1, 13 and 18 being the only independent claims.

Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, claims 1-14 and 17 have been amended for better conformance to U.S. practice, such as deleting reference designations typically used in European practice that are known to not limit the scope of the claims. Further amendments include beginning the dependent claims with 'The' instead of 'A'. Claims 1-14 and 17 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

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In the Office Action, the Examiner objected to the Abstract for not commencing on a separate sheet. In response, the current Abstract has been deleted and substituted with the enclosed New Abstract which commences on a separate sheet and better conforms to U.S. practice. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

In the Office Action, the Examiner objected to claims 12 and 13-16 for a certain informality in claim 12, and for improper multiple dependencies of claims 13-16. In response, claim 12 has been amended to overcome the informality noted by the Examiner. Regarding the objection to claims 13-16, Applicants point out that the multiple dependencies had been removed by a Preliminary Amendment filed concurrently with the present Application, and which is of record as ascertained by the undersigned via Public PAIR on March 30, 2006. Accordingly, withdrawal of the objection to claims 12 and 13-16 is respectfully requested.

In the Office Action, the Examiner rejected claims 13-16. It is not clear whether the rejection to claims 13-16 is under 35 U.S.C. §112, as indicated in the centered heading on page 2 of the Office Action, and/or under 35 U.S.C. §101, as indicated under the

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substantive rejection below this centered heading. In either case, claims 13-16 have been amended for better conformance to U.S. practice. It is respectfully submitted that amended claims 13-16 comply with both 35 U.S.C. §112 and 35 U.S.C. §101, and withdrawal of this rejection thereto is respectfully requested.

In the Office Action, the Examiner indicated that claims 3-7, 9 and 12 would be allowable if rewritten in independent form. In addition, claims 1, 2, 8, 10-11 and 17 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,225,941 (Saito). Applicants gratefully acknowledge the indication that claims 3-7, 9 and 12 contain allowable subject matter. However, Applicants have not rewritten these claims in independent form, since it is believed that independent claims 1, 13 and 18, as well as claims 2, 8, 10-11, 14, 17 and 19-22 should be allowable over Saito for at least the following reasons.

On page 3 of the Office Action, column 16, lines 39-45 and FIG 11 of Saito are cited in rejecting claim 1. Saito has 38 figures and 30 columns of text qualifying this patent as "complex". Therefore pursuant to 37 CFR §1.104, the Examiner must indicate how the reference is being applied. The indicated section of Saito,

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namely, column 16, lines 39-45 and FIG 11, merely teach a driving device for driving lens barrels 201, 225 that are displaced by associated piezoelectric elements 212, 217, as shown in FIG 11. The lens barrels 201, 225 are guided by shafts 202, 203 that do not touch each other.

It is respectfully submitted that cited section of Saito does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 13 and 18 which, amongst other patentable elements, specifically requires (illustrative emphasis provided):

The driven member substantially remains stationary when less than half of the driving members being in frictional engagement with said driven member are moved.

This feature is nowhere taught or suggested in the cited section of Saito.

Accordingly, it is respectfully submitted that independent claims 1, 13 and 18 should be allowable. In additions, claims 2-12, 14, 17 and 19-22 should be allowable at least based on their dependence from independent claims 1, 13 and 18.

In addition, Applicants deny any statement, position or

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averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. No excess claim fees are due since the total number of claims is 20 (not 22), in view of canceled claims 15-16. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.


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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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March 30, 2006

Enclosure: New Abstract

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